

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Add Section 125
Title 14, California Code of Regulations
Re: Commercial Take of Rock Crab

- I. Date of Initial Statement of Reasons: July 30, 2003
- II. Date of Pre-adoption Statement of Reasons: December 8, 2003
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: October 3, 2003
Location: Redding, California
 - (b) Discussion Hearing: Date: December 5, 2003
Location: Sacramento, California
 - (c) Adoption Hearing: Date: February 6, 2004
Location: Long Beach
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:

A non-substantive addition was made to the proposed language of Section 125(a) to clarify that permitted lobster fishermen and vessels operating or having on board trawl or drag nets are allowed to land incidentally caught rock crab pursuant to Fish and Game Code Sections 8250.5 and 8834 and are not required to have a rock crab trap permit.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

It is not the Department's intention with this proposed regulation to amend or repeal Fish and Game Code Sections 8250.5 and 8834 which currently allow for specific fisheries to land incidentally caught rock crab.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

Please see [Comment Table 1\(attached\)](#) which reflects all comments received through the rulemaking process.

Updated Informative Digest/Policy Statement Overview

A person must have a commercial fishing license, a general trap permit, and use a vessel that is commercially registered to participate in the commercial rock crab trap fishery. The proposed regulatory action would create a rock crab trap permit requirement beginning April 1, 2004. It would also establish initial issuance criteria based on prior catch history, and place a moratorium on the issuance of new permits after October 31, 2004. A control date is also proposed to provide for other limits on future participation if necessary. A fee is proposed for the annual permit. Only one individual aboard a vessel trapping rock crab would be required to have the rock crab trap permit in addition to the individual's general trap permit. Other licensed fishermen assisting in the take of rock crab would still need a commercial fishing license and a general trap permit. The permit application process and appeal and renewal processes are also specified in the proposed regulations. **Permitted lobster fishermen taking rock crab incidentally pursuant to Section 8250.5 and any vessel operating or having on board a trawl or drag net which takes rock crab incidentally pursuant to Fish and Game Code Section 8834 are not required to have a commercial rock crab trap permit.**

The Department is proposing that a rock crab trap permit may be issued to any licensed commercial fisherman who has a general trap permit, and who has landed a minimum number of pounds of rock crab during a specified time period as documented by fish landing receipts submitted to the department in the individual's name and commercial fishing license identification number. A range of minimum catch levels and time periods are provided from which the Commission may select. A minimum of 0 to 2,000 pounds must have been landed in any single calendar year between 1998 and 2002, or the participant must have cumulatively landed a minimum of 0 to 2,000 pounds in the 1998 through 2002 time period.

The range of 0-2000 pounds over the 5-year window period or in a single calendar year was chosen to provide the Commission alternatives from which a selection could be made on the composition of the future fleet once the entire industry has been notified and provided input. This range would allow the Commission to choose either a specific performance standard in a single year to measure participation, or alternatively, determine a level of participation over an extended recent time period. The tables below provide a summary of the range of options and anticipated qualifiers under various performance scenarios based on evaluation of the Department's commercial rock crab landings data.

Rock Crab Commercial Catches Over the 1998-2002 Window Period

Five-Year Cumulative Catch	Number of Individuals
2,000 pounds or more	146
1,000 pounds or more	189
750 pounds or more	200
500 pounds or more	241
250 pounds or more	300
200 pounds or more	314
100 pounds or more	368
50 pounds or more	414
1 pound or more	536

Rock Crab Commercial Catches in a Single Year During 1998-2002 Window Period

Single-Year Catch	Number of Individuals
2,000 pounds or more	140
1,000 pounds or more	170
750 pounds or more	181
500 pounds or more	223
250 pounds or more	286
200 pounds or more	303
100 pounds or more	359
50 pounds or more	410
1 pound or more	536

Applicants are required to submit a commercial rock crab trap permit application form DFG 1324(9/03) along with the required fee. The Department is proposing an annual fee for the rock crab trap permit of \$50 to \$250. Funding will be required in order to implement the proposed permit system, track fishery landings, enforce the new regulations, staff appeal hearings, and review the program to determine if any modifications are needed. Based on estimates provided by the Department's Marine Region, License and Revenue and Enforcement Branches, minimum annual costs of the program may be estimated at \$110,000.

Control date options from January 1, 2000 through March 31, 2003 were provided by the Department to the Commission to allow for industry input. Selecting a date of March 31, 2003 would give consideration to any fisherman who participated in the prior fishing season or earlier. Selecting a date of January 1, 2000 would acknowledge participation only by those in the fishery at or before the time that fishery representatives went to the Commission and formally requested that no new participants be allowed in the fishery.